IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1198 OF 2004

The State of Maharashtra ..Appellant

V/s.

Anjanabai S.Nimbalkar & Anr. ..Respondents

Mrs.G.P.Mulekar APP for Appellant/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. Leave to amend to add impugned judgment. Amendment to be carried out forthwith. This is an appeal filed by the State impugning a Judgment passed by the JMFC, Phaltan on 16.6.2004 acquitting the accused for offences punishable under Sections 447, 397 r/w 34 of IPC. On perusal of the impugned Judgment it is clear that the same is passed on cogent and acceptable reasons. The case of the prosecution was that the complainant was the owner of gut no.701 to the extent of 12 anna shares. That the accused had illegally cut the crops. The defence of the accused was there was no partition by metes and bounds between the members of the family and he was solely in possession of the entire land of gut no.701. It is seen that there is a reference

in the judgment to civil litigation between the parties and the ultimate finding is prosecution has failed to prove that the complainant had 12 annas share. In my view, not a fit case to interfere, hence leave refused and consequently, appeal stands dismissed.

(R.S.Mohite,J)